

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**LINDA JAMES,
Plaintiff,**

v.

**HARLANDALE INDEPENDENT
SCHOOL DISTRICT,
Defendant.**

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CIVIL ACTION NO. 5:20-cv-110

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant, Harlandale Independent School District, files this notice of removal under 28 U.S.C. §1446(a).

A. Introduction

1. This action was commenced on December 10, 2020, in the 166th Judicial District Court of Bexar County, Texas, as Cause No. 2020-CI-23817. Defendant was served the lawsuit on January 5, 2021. In her Original Petition, Plaintiff asserted claims under Title 42 U.S.C. Section 2000e *et seq.*, on the basis of alleged discrimination on the basis of sex, age, religion, and disability, as well as retaliation under the Age in Employment Discrimination Act of 1976 and Title VI of the Civil Rights Act of 1964.

2. Defendant made its first appearance on February 4, 2021, by filing its Notice to State Court District Clerk of Filing of Notice of Removal. As of this date, the case was styled Linda James v. Harlandale Independent School District.

B. Basis for Removal

3. This action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331 and 28 U.S.C. § 1343; therefore, it is removable to this Court by

Defendant pursuant to the provisions of 28 U.S.C. §1441, since it is a civil action over which the Federal district courts have original jurisdiction because the case arises under the laws of the United States.

4. A copy of all process, pleadings and orders served on Defendant in this action and the State court docket sheet are attached to this Notice.

5. Venue is proper in this district under 28 U.S.C. §1441 (a) because the state court where the suit has been pending is located in this district.

6. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

7. Plaintiff demanded a trial by jury in the state court suit.

WHEREFORE, PREMISES CONSIDERED, Defendant, Harlandale Independent School District prays that this cause be removed to the United States District Court for the Western District of Texas, San Antonio Division, and that the said Court grant said Defendant all relief, special or general, at law or in equity, to which it shows itself justly entitled.

Respectfully Submitted,

WALSH GALLEGOS TREVIÑO
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By: /s/ KATIE E. PAYNE
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of February 2021, a true and correct copy of the above and foregoing was electronically filed with the Clerk of the Court using CM/ECF system. The undersigned certifies that on the 4th day of February 2021, notification of such filing has been sent to the following by certified mail return receipt requested:

ATTORNEY FOR PLAINTIFF

Mr. Jason J. Jakob
901 NE Loop 410, Suite 900
San Antonio, Texas 78209

***CERTIFIED MAIL # 70160910000171835324
RETURN RECEIPT REQUESTED***

/s/ KATIE E. PAYNE
KATIE E. PAYNE